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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to Plaintiff

Clifford Noel, Jr., 2:17-cv-01350-DGC

PLAINTIFF’S UNOPPOSED MOTION TO SUBSTITUTE PARTY
AND AMEND THE COMPLAINT

Plaintiff Clifford Noel, Jr., by and through undersigned counsel, and pursuant to FRCP 25(a) and 15(a)(2) hereby move the Court to substitute Cierra White, Expected Administrator of the Estate of Clifford Noel, Jr., as Plaintiff by way of an Amended Short Form Complaint in the form attached hereto as Exhibit 1, and in support, states as follows:

1. Plaintiff Clifford Noel, Jr. was implanted with a Bard IVC Filter and subsequently discovered injuries in 2017. Plaintiff retained undersigned counsel, who filed a Complaint on her behalf against the Defendants for Clifford Noel, Jr.’s IVC Filter-related injuries.
2. Plaintiff Clifford Noel, Jr. unexpectedly passed away August 23, 2019.
3. Plaintiff’s counsel recently learned of Clifford Noel, Jr.’s passing.
4. Cierra White is the Expected Administrator of the Estate of Clifford Noel, Jr..
5. Federal Rule of Civil Procedure 25(a)(1) provides that “if a party dies and the claim is not extinguished, the court may order substitution of the proper party. A

1 motion for substitution may be made by any party or by the decedent's successor
2 or representative."

3 6. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as
4 Exhibit 1, which substitutes Cierra White, Expected Administrator of the Estate of
5 Clifford Noel, Jr., as Plaintiff.
6

7 7. The death certificate of Clifford Noel, Jr. has been requested by Plaintiff's
8 counsel.
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10 8. The Suggestion of Death for Clifford Noel, Jr. was filed contemporaneously
11 herewith.
12

13 9. Counsel for Defendants has indicated that they have no objection to this motion.

14 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed
15 Motion to Substitute Party and Amend the Complaint and order the Clerk to file the
16 Amended Short Form Complaint, attached hereto as Exhibit 1.
17

18
19 DATED: 08/28/2020

Respectfully Submitted,

20 /s/ Marlene J. Goldenberg
21 Stuart L. Goldenberg (*pro hac vice*)
22 Marlene J. Goldenberg (*pro hac vice*)
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